

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JEREMY A. MARCUM,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00295

SHANE DAFF and  
MONTANA COVERT,

Defendants.

**MEMORANDUM OPINION AND ORDER**

On June 18, 2025, the Plaintiff, proceeding *pro se*, filed a *Motion for Default Judgment* (Document 44). Subsequently, on July 25, 2025, the Defendants' *Motion to Set Aside Default* (Document 54) was filed. By *Administrative Order* (Document 5) previously entered on June 18, 2024, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On August 6, 2025, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 56) wherein it is recommended that this Court deny the Plaintiff's *Motion for Default Judgment* (Document 44), grant the Defendants' *Motion to Set Aside Default* (Document 54), set aside the Entry of Default by the Clerk (Document 50), and refer the matter to the Magistrate Judge for further proceedings. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by August 25, 2025.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation* (Document 56), and **ORDERS** that the Plaintiff's *Motion for Default Judgment* (Document 44) be **DENIED**, the Defendants' *Motion to Set Aside Default* (Document 54) be **GRANTED**, the Clerk's Entry of Default (Document 50) be **SET ASIDE**, and this matter be **REFERRED** to Magistrate Judge Aboulhosn for further proceedings.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: August 28, 2025



IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA